

House Amendment 1337

PAG LIN

1 1 Amend House File 777 as follows:
1 2 #1. Page 2, line 34, by striking the word <four>
1 3 and inserting the following: <twenty=four>.
1 4 #2. Page 3, line 8, by striking the word <four>
1 5 and inserting the following: <twenty=four>.
1 6 #3. By striking page 4, line 34, through page 5,
1 7 line 15, and inserting the following:
1 8 <(3) Reasonably relied upon a decision of a court,
1 9 or a formal opinion of the attorney general, or the
1 10 attorney for the governmental body, given in writing,
1 11 or as memorialized in the minutes of the meeting at
1 12 which an oral opinion was given, or an advisory
1 13 opinion of the attorney general or the attorney for
1 14 the governmental body, given in writing.
1 15 Sec. _____. Section 21.8, subsection 1, unnumbered
1 16 paragraph 1, Code 2009, is amended to read as follows:
1 17 A governmental body may conduct a meeting and
1 18 individual members of a governmental body may
1 19 participate in meetings of a governmental body by
1 20 electronic means only in circumstances where such a
1 21 meeting in person is impossible or impractical and
1 22 only if the governmental body complies with all of the
1 23 following:>
1 24 #4. Page 5, line 22, by inserting after the word
1 25 <objectives.> the following: <Ambiguity in the
1 26 construction or application of this chapter should be
1 27 resolved in favor of openness.>
1 28 #5. Page 6, line 11, by striking the word
1 29 <feasible> and inserting the following: <reasonable>.
1 30 #6. Page 6, line 13, by striking the word
1 31 <feasible> and inserting the following: <reasonable>.
1 32 #7. Page 6, line 29, by striking the word <ten>
1 33 and inserting the following: <seven>.
1 34 #8. Page 6, by striking lines 30 through 33 and
1 35 inserting the following: <of the request unless
1 36 further delay is necessary because of good cause,
1 37 which is communicated>.
1 38 #9. Page 7, by striking lines 13 and 14 and
1 39 inserting the following: <requester shall be entitled
1 40 to file a>.
1 41 #10. Page 7, by inserting after line 16 the
1 42 following:
1 43 <Sec. _____. Section 22.3, subsection 2, Code 2009,
1 44 is amended to read as follows:
1 45 2. All expenses of the examination and copying
1 46 shall be paid by the person desiring to examine or
1 47 copy. The lawful custodian may charge a reasonable
1 48 fee for the services of the lawful custodian or the
1 49 custodian's authorized designee in supervising the
1 50 examination and copying of the records or in reviewing
2 1 the records for confidential information prior to
2 2 release. If the lawful custodian is an executive
2 3 branch agency, the lawful custodian shall provide such
2 4 services at no charge to a requestor for up to three
2 5 hours per month. If copy equipment is available at
2 6 the office of the lawful custodian of any public
2 7 records, the lawful custodian shall provide any person
2 8 a reasonable number of copies of any public record in
2 9 the custody of the office upon the payment of a fee.
2 10 The fee for the copying service as determined by the
2 11 lawful custodian shall not exceed the actual cost of
2 12 providing the service. Actual costs shall include
2 13 only those expenses directly attributable to
2 14 supervising the examination of and making and
2 15 providing copies of public records. Actual costs
2 16 shall not include charges for ordinary expenses or
2 17 costs such as employment benefits, depreciation,
2 18 maintenance, electricity, or insurance associated with
2 19 the administration of the office of the lawful
2 20 custodian.>
2 21 #11. Page 7, by striking lines 17 through 23 and
2 22 inserting the following:
2 23 <Sec. _____. Section 22.7, subsection 7, Code 2009,
2 24 is amended to read as follows:

2 25 7. Appraisals or appraisal information concerning
2 26 the sale or purchase of real or personal property for
2 27 public purposes, prior to ~~public announcement of a~~
2 28 ~~project the execution of any contract for such sale or~~
2 29 ~~purchase or the submission of the appraisal to the~~
2 30 ~~property owner or other interest holders as provided~~
2 31 ~~in section 6B.45.~~

2 32 Sec. ____ Section 22.7, subsection 8, Code 2009,
2 33 is amended to read as follows:

2 34 8. ~~Iowa department of economic development~~
2 35 ~~information~~ Information on an industrial or commercial
2 36 ~~development~~ prospect with which the Iowa department of
2 37 ~~economic development or a city~~ is currently
2 38 negotiating, prior to submission by the department or
2 39 the city of a proposal for financial assistance or
2 40 other incentives for the prospect for approval by the
2 41 director of the department or by the governing body of
2 42 the city.>

2 43 #12. Page 11, line 19, by striking the word
2 44 <subsection> and inserting the following:
2 45 <subsections>.

2 46 #13. By striking page 11, line 21, through page
2 47 12, line 5, and inserting the following:

2 48 <a. The identity and qualifications of an
2 49 applicant for employment by a government body.>

2 50 #14. Page 12, by inserting after line 5 the
3 1 following:

3 2 <NEW SUBSECTION. 63. TENTATIVE, PRELIMINARY, OR
3 3 DRAFT MATERIALS. Tentative, preliminary, draft,
3 4 speculative, or research material, created prior to
3 5 its final completion for the purpose for which it is
3 6 intended and in a form prior to the form in which it
3 7 is submitted for use in the final formulation,
3 8 recommendation, adoption, or execution of any official
3 9 policy or action by a public official authorized to
3 10 make such decisions for the government body. The
3 11 final document shall be a public record at the time
3 12 the document is adopted or executed as the official
3 13 policy or action of a government body.

3 14 Sec. ____ NEW SECTION. 22.7A SOCIAL SECURITY
3 15 NUMBERS IN PUBLIC RECORDS.

3 16 1. To the greatest extent feasible, a government
3 17 body shall not disclose a person's social security
3 18 number unless the disclosure is authorized by law.

3 19 2. A government body shall make reasonable efforts
3 20 to exclude social security numbers from public
3 21 records, as follows:

3 22 a. Exclude social security numbers on licenses,
3 23 permits, and other documents that may be readily
3 24 observed by the public.

3 25 b. Give individuals the option not to submit a
3 26 social security number to the government body unless
3 27 submission of the social security number is essential
3 28 to the provision of services by the government body or
3 29 is required by law.

3 30 c. Make any other efforts to prevent social
3 31 security numbers from being included in public records
3 32 and to protect such numbers from disclosure.

3 33 3. If a public record contains a social security
3 34 number, the government body shall, to the extent
3 35 practicable, make reasonable efforts to redact the
3 36 social security number prior to releasing the record
3 37 if such redaction does not materially affect the value
3 38 of the public record and is permitted by law. The
3 39 redaction of a social security number from a public
3 40 record shall not delay public access to the public
3 41 record except for the time required to perform the
3 42 actual redaction. As used in this subsection,
3 43 "redact" means to render the social security number
3 44 unreadable or truncated so that no more than the last
3 45 four digits of the social security number may be
3 46 accessed as part of the record.

3 47 4. A government body that solicits information
3 48 containing a person's social security number or that
3 49 is the lawful custodian of public records containing
3 50 social security numbers shall, if subject to chapter
4 1 17A, adopt rules or, if a political subdivision or
4 2 other public body, adopt guidelines to administer the
4 3 use and disclosure of social security numbers
4 4 consistent with this section.>

4 5 #15. By striking page 12, line 29, through page

4 6 13, line 9, and inserting the following:
4 7 <(3) Reasonably relied upon a decision of a court,
4 8 or an a formal opinion of the attorney general, or the
4 9 attorney for the governmental government body, given
4 10 in writing, or as memorialized in the minutes of the
4 11 meeting at which an oral opinion was given, or an
4 12 advisory opinion of the attorney general or the
4 13 attorney for the government body, given in writing.>

4 14 #16. By striking page 14, line 20, through page
4 15 22, line 15, and inserting the following:

4 16 <Sec. _____. NEW SECTION. 23.1 OPEN MEETINGS,
4 17 PUBLIC RECORDS, AND PRIVACY ADVISORY COMMITTEE.

4 18 1. COMMITTEE ESTABLISHED. An open meetings,
4 19 public records, and privacy advisory committee is
4 20 established to serve as a resource for public access
4 21 to government information in light of the policy of
4 22 this state to provide as much public access to
4 23 government information and proceedings as is
4 24 consistent with the public interest and the need to
4 25 protect individuals against undue invasions of
4 26 personal privacy.

4 27 2. MEMBERSHIP.

4 28 a. The advisory committee shall consist of
4 29 seventeen members, including thirteen voting members
4 30 and four nonvoting members.

4 31 (1) The voting members shall be the following:

4 32 (a) One member representing municipal interests
4 33 recommended by the Iowa league of cities, appointed by
4 34 the governor.

4 35 (b) One member representing county or regional
4 36 interests recommended by the Iowa state association of
4 37 counties, appointed by the governor.

4 38 (c) One member representing school district
4 39 interests recommended by the Iowa association of
4 40 school boards, appointed by the governor.

4 41 (d) One member representing law enforcement
4 42 interests recommended by the Iowa state sheriffs' and
4 43 deputies' association and the Iowa state police
4 44 association, appointed by the governor.

4 45 (e) One member representing executive branch
4 46 interests, appointed by the governor.

4 47 (f) One member representing freedom of information
4 48 advocacy group interests recommended by the Iowa
4 49 freedom of information council, appointed by the
4 50 governor.

5 1 (g) One member representing newspaper and
5 2 broadcasting interests recommended by the Iowa
5 3 newspaper association, appointed by the governor.

5 4 (h) Two public members, appointed by the governor.

5 5 (i) The attorney general or the attorney general's
5 6 designee.

5 7 (j) The citizens' aide or the citizens' aide's
5 8 designee.

5 9 (k) A representative from the department of
5 10 administrative services with expertise in electronic
5 11 records.

5 12 (1) One member representing the judicial branch as
5 13 designated by the chief justice of the supreme court.

5 14 (2) The nonvoting members of the advisory
5 15 committee shall be two state representatives, one
5 16 appointed by the speaker of the house of
5 17 representatives and one appointed by the minority
5 18 leader of the house of representatives, and two state
5 19 senators, one appointed by the majority leader of the
5 20 senate and one appointed by the minority leader of the
5 21 senate.

5 22 b. A majority of the advisory committee members
5 23 shall constitute a quorum.

5 24 3. DUTIES. The advisory committee shall:

5 25 a. Serve as the central coordinator of information
5 26 about the public's right to access government
5 27 information and proceedings. The advisory committee
5 28 shall provide basic information about the requirements
5 29 of chapters 21 and 22 and other relevant freedom of
5 30 information laws and shall also provide information
5 31 about best practices for state and local governments
5 32 to comply with and to enforce such laws.

5 33 b. Serve as a resource to support the
5 34 establishment and maintenance of a central publicly
5 35 accessible internet site that provides specific
5 36 guidance to members of the public about utilizing the

5 37 relevant law to be better informed and active
5 38 participants in open government.
5 39 c. Serve as a resource to support education and
5 40 training about chapters 21 and 22 and other relevant
5 41 freedom of information laws to lawful custodians and
5 42 other persons subject to the requirements of such
5 43 laws.
5 44 d. Make recommendations to the governor and the
5 45 general assembly by proposing legislation relating to
5 46 issues involving public access to government
5 47 information, including but not limited to
5 48 accessibility to certain categories of government
5 49 records, to public employment applications, and to
5 50 information unduly invading personal privacy.
6 1 e. Aid the general assembly in evaluating the
6 2 impact of legislation affecting public access to
6 3 government information.
6 4 f. Conduct public hearings, conferences,
6 5 workshops, and other meetings as necessary to address
6 6 problems and suggest solutions concerning access to
6 7 government information and proceedings.
6 8 g. Review the collection, maintenance, and use of
6 9 government records by lawful custodians to ensure that
6 10 confidential records and information are handled to
6 11 adequately protect personal privacy interests.
6 12 4. MEETINGS. The advisory committee shall elect a
6 13 chairperson and vice chairperson. The committee shall
6 14 meet at least three times per year but may meet as
6 15 often as necessary. At least one of the meetings
6 16 shall be held during the regular legislative session.
6 17 Meetings may be called by the chairperson or at the
6 18 request of four members. The advisory committee is
6 19 subject to the open meetings requirements of chapter
6 20 21.
6 21 5. EXPENSES OR COMPENSATION.
6 22 a. A member of the general assembly shall be paid,
6 23 in accordance with section 2.10, per diem and
6 24 necessary travel and actual expenses incurred in
6 25 attending meetings of the advisory committee.
6 26 b. Public members appointed by the governor shall
6 27 receive reimbursement for actual and necessary
6 28 expenses incurred while serving in their official
6 29 capacity.
6 30 6. FUNDING. The advisory committee may seek
6 31 grants, appropriations, and outside funding to fund
6 32 the costs of public hearings, conferences, workshops,
6 33 and other activities of the committee. Contributions
6 34 to support the work of the committee shall not be
6 35 accepted from a political party with a pecuniary or
6 36 other vested interest in the outcome of the issues
6 37 considered by the committee.
6 38 7. STAFFING. The legislative services agency
6 39 shall provide staffing and administrative support for
6 40 the advisory committee. In addition, the committee
6 41 may contract for administrative, professional, and
6 42 clerical services subject to the availability of
6 43 funding.
6 44 8. REPORT. The advisory committee shall conduct
6 45 an evaluation of the effectiveness of the enforcement
6 46 provisions in chapters 21 and 22 and shall submit a
6 47 report of its findings and recommendations to the
6 48 governor and the general assembly no later than
6 49 January 10, 2011.>
7 50 #17. By striking page 22, line 25, through page
7 1 23, line 16.
7 2 #18. Title page, by striking lines 2 and 3 and
7 3 inserting the following: <the creation of the open
7 4 meetings, public records, and privacy advisory
7 5 committee.>
7 6 #19. By renumbering as necessary.
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7 9
7 10 COMMITTEE ON STATE GOVERNMENT
7 11 MASCHER of Johnson, Chairperson
7 12 HF 777.703 83
7 13 rh/rj/23262